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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

MATT FARNHAM, an individual; and
OMNIA ALLIANCE LLC, a Utah limited
liability company,

Defendants.

Case No.: 2:10-cv-0539

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Matt Farnham, an individual (“Mr. Farnham”) and Omnia Alliance LLC, a Utah limited-liability company (“Omnia”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Secretary of State of Nevada.

4. Mr. Farnham is, and has been at all times relevant to this lawsuit, a resident of Nevada.

5. Omnia is, and has been at all times relevant to this lawsuit, a Utah limited-liability company with its principal place of business in Utah.

JURISDICTION

6. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

7. Mr. Farnham is a Nevada resident whose activities have resulted in the copyright infringement alleged herein.

8. Omnia purposefully directs activities at Nevada residents, which activities have resulted in the copyright infringement alleged herein.

9. Omnia effectuates the unauthorized publication of Righthaven-owned copyrighted works at www.inside-real-estate.com/mattfarnham/ (the “Website”).

10. Omnia’s unauthorized publication of Righthaven-owned copyrighted works found on the Website is purposefully targeted to Nevada residents.

11. Omnia displayed and displays, on an unauthorized basis, a substantial portion of the literary work entitled “Property owners need to act swiftly to challenge values,” attached hereto as Exhibit 1 (the “Challenge Article”), which literary work was originally published in Nevada, on the Website.

12. Omnia’s display of the Challenge Article was and is purposefully directed at Nevada residents.

1 13. Omnia displayed and displays, on an unauthorized basis, a substantial portion of
2 the literary work entitled “Home resales surge in month. Median price for LV existing houses at
3 \$125,000, data show,” attached hereto as Exhibit 2 (the “Resales Article”) on the Website.

4 14. Omnia’s display of the Resales Article was and is purposefully directed at Nevada
5 residents.

6 15. Omnia’s contacts with Nevada are systematic and continuous because Omnia
7 publishes, on the World Wide Web site www.inside-real-estate.com (the “Main Omnia Site”), a
8 variety of content specifically relating to residential real estate in the Las Vegas metropolitan
9 area.

10 16. Omnia’s contacts with Nevada are systematic and continuous because Omnia
11 publishes, and makes accessible through the Main Omnia Site, “blogs” by at least 29 local Las
12 Vegas and Henderson real estate agents, including without limitation Mr. Farnham, which real
13 estate agents Omnia characterizes as “local experts,” containing articles regarding real estate in
14 the Las Vegas metropolitan area, advertisements for those real estate agents’ services, and
15 listings of properties for sale in the Las Vegas metropolitan area.

16 17. Omnia’s contacts with Nevada are systematic and continuous because Omnia also
17 publishes, and makes accessible through the Main Omnia Site, “blogs” by at least three Reno-
18 area real estate agents and one Elko-area real estate agent containing articles regarding real estate
19 in those real estate agents’ metropolitan areas, advertisements for those real estate agents’
20 services, and listings of properties for sale in those real estate agents’ metropolitan areas.

21 18. Omnia’s contacts with Nevada are systematic and continuous because the Main
22 Omnia Site advertises Las Vegas as one of Omnia’s “Top City Searches,” and provides a
23 dedicated link to Las Vegas-specific information regarding foreclosed real estate available for
24 purchase.

VENUE

19. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. §1391(b)(1) and 28 U.S.C. §1400(a), because Mr. Farnham resides in Nevada.

20. The United States District Court for the District of Nevada is an appropriate venue, pursuant to 28 U.S.C. §1391(b)(2), because a substantial part of the events giving rise to the claim for relief took place in Nevada.

FACTS

21. Righthaven is the copyright owner of the literary work entitled “Home sales finish strong in ’09. Transactions rise 37 percent in December; inventory falls below 20,000” (the “Work”), attached hereto as Exhibit 3.

22. The Work was originally published on January 12, 2010.

23. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §102(a)(1).

24. On March 29, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007120555 (the “Registration”) and attached hereto as Exhibit 4 is evidence of the Registration in the form of a printout of the official USCO database record depicting the occurrence of the Registration.

25. No later than March 19, 2010, Mr. Farnham and Omnia caused to be reproduced an unauthorized copy of a substantial portion of the Work (the “Infringement”), attached hereto as Exhibit 5, on the Website.

26. No later than March 19, 2010, Mr. Farnham and Omnia displayed the Infringement on the Website.

27. Mr. Farnham did not seek Righthaven’s permission, in any manner, to reproduce, display, or otherwise exploit the Work.

28. Omnia did not seek Righthaven’s permission, in any manner, to reproduce, display, or otherwise exploit the Work.

1 29. Righthaven did not grant Mr. Farnham permission, in any manner, to reproduce,
2 display, or otherwise exploit the Work.

3 30. Righthaven did not grant Omnia permission, in any manner, to reproduce, display,
4 or otherwise exploit the Work.

5
6 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

7 31. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
8 30 above.

9 32. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
10 U.S.C. §106(1).

11 33. Righthaven holds the exclusive right to prepare derivative works based upon the
12 Work, pursuant to 17 U.S.C. §106(2).

13 34. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
14 17 U.S.C. §106(3).

15 35. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
16 U.S.C. §106(5).

17 36. Mr. Farnham reproduced a substantial portion of the Work, in derogation of
18 Righthaven's exclusive rights under 17 U.S.C. §106(1).

19 37. Omnia reproduced a substantial portion of the Work, in derogation of
20 Righthaven's exclusive rights under 17 U.S.C. §106(1).

21 38. Mr. Farnham created an unauthorized derivative of the Work, in derogation of
22 Righthaven's exclusive rights under 17 U.S.C. §106(2).

23 39. Omnia created an unauthorized derivative of the Work, in derogation of
24 Righthaven's exclusive rights under 17 U.S.C. §106(2).

25 40. Mr. Farnham distributes unauthorized reproductions of a substantial portion of the
26 Work via the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

27 41. Omnia distributes unauthorized reproductions of a substantial portion of the Work
28 via the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(3).

42. Mr. Farnham publicly displays an unauthorized reproduction of a substantial portion of the Work at the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

43. Omnia publicly displays an unauthorized reproduction of a substantial portion of the Work at the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §106(5).

44. Mr. Farnham has willfully engaged in the copyright infringement of the Work.

45. Omnia has willfully engaged in the copyright infringement of the Work.

46. Mr. Farnham's and Omnia's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

47. Unless Mr. Farnham and Omnia are preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to preliminary and permanent injunctive relief against further infringement by Mr. Farnham and Omnia of the Work, pursuant to 17 U.S.C. §502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Omnia, Omnia's officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Omnia, Mr. Farnham, and Mr. Farnham's officers, agents, servants, employees, attorneys, related companies, partners, and all persons acting for, by, with, through, or under Mr. Farnham, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Omnia and Mr. Farnham to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

1 a. All evidence and documentation relating in any way to Omnia's and/or
2 Mr. Farnham's use of the Work, in any form, including, without limitation, all such
3 evidence and documentation relating to the Website;

4 b. All evidence and documentation relating to the names and addresses
5 (whether electronic mail addresses or otherwise) of any person with whom Omnia and/or
6 Mr. Farnham have communicated regarding Omnia's and/or Mr. Farnham's use of the
7 Work; and

8 c. All financial evidence and documentation relating to Omnia's and/or Mr.
9 Farnham's use of the Work;

10 3. Award Righthaven statutory damages for the willful infringement of the Work,
11 pursuant to 17 U.S.C. §504(c);

12 4. Award Righthaven pre- and post-judgment interest in accordance with applicable
13 law; and

14 5. Grant Righthaven such other relief as this Court deems appropriate.

15
16 **DEMAND FOR JURY TRIAL**

17 Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

18 Dated this 14th day of April, 2010.

19
20 RIGHTHAVEN LLC

21 By: /s/ J. Charles Coons
22 STEVEN A. GIBSON, ESQ.
23 Nevada Bar No. 6656
24 JODI DONETTA LOWRY, ESQ.
25 Nevada Bar No. 7798
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